

Decision **DRAFT DECISION OF ALJ ROSENTHAL** (Mailed 9/3/2002)

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of BLUE & GOLD FLEET, L.P., a limited partnership, to increase fare levels for the transportation of passengers in vessel common carrier service between Sausalito, on the one hand, and authorized points in San Francisco, on the other hand.

Application 02-06-014  
(Filed June 10, 2002)

**OPINION GRANTING RATE INCREASE**

**Summary**

Blue & Gold Fleet, L.P. is granted a fare increase for its vessel common carrier service between Sausalito and authorized points in San Francisco.

**Facts**

Blue & Gold Fleet, L.P. (Applicant) operates a passenger common carrier vessel service between Sausalito on the one hand and authorized points in San Francisco on the other hand. It seeks an increase in its fares of between \$0.75 and \$1.25 per one-way passenger. The application shows that current operations of this service resulted in a profit of \$55,440 for 2001 on revenues of \$1,724,819. This profit includes a temporary increase granted by the Commission to offset drastic fuel increases. This increase expired on June 30, 2002. (TL-18989 dated March 6, 2002.) There are no operating subsidies provided by federal, state, or local funds for this service. The fares for this service were last increased in Decision 99-02-024. Applicant projects that with the requested fares it will

sustain an operating profit of \$104,986 for the service in question. Applicant projects an increase in ridership for 2002.

The application was served on local authorities. There have been no protests by them.

Two comments from passengers were received by our Public Advisor. Neither was formally filed with the Docket Office or served on Applicant, as provided by Rule 44 of the Commission's Rules (Rule) of Practice and Procedure. Nevertheless, we shall treat them as Protestants herein. They point to the fuel surcharge and mistakenly assume that this is still in effect. As stated earlier, that surcharge expired on June 30, 2002. One Protestant challenges the statement in the application that the last fare increase was in 1999. Protestant is confusing the fare increase with the fuel surcharge. This Protestant also alludes to handicapped accessibility improvements, which he claims were paid by Applicant. We do not understand how this is an issue.

The second Protestant alludes to bookkeeping scandals at Enron and WorldCom without alleging any specific errors by Applicant. He also makes an unspecific criticism of Applicant's service.

Neither of the Protestants indicates that he intends to take part in evidentiary hearings if such were held.

Our Rule 44.4 provides in part:

"The filing of a protest does not ensure that an evidentiary hearing will be held. The decision whether or not to hold an evidentiary hearing will be based on the content of the protest."

We do not believe that Protestants have demonstrated sufficient cause to merit an evidentiary hearing.

Notice of this matter appeared in the Commission's Daily Calendar on June 17, 2002. There have been two protests. In Resolution ALJ 176-3090, the

Commission preliminarily categorized this application as ratesetting and preliminarily determined that a hearing was not necessary. There is no reason to disturb the preliminary determinations.

**Comments on Draft Decision**

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7. Comments were filed on \_\_\_\_\_, and reply comments were filed on \_\_\_\_\_.

**Findings of Fact**

1. Applicant operates a passenger vessel common carrier between Sausalito and authorized points in San Francisco.
2. A temporary fuel offset allowed by the Commission expired on June 30, 2002.
3. Applicant seeks to increase its base fares by between \$0.75 and \$1.25 for a one-way trip. With the proposed fare increase, Applicant will operate at an estimated profit of \$104,986.
4. There are no operating subsidies from federal, state, or local sources for this service.
5. There have been two protests to this application.

**Conclusions of Law**

1. The proposed fare increase is just and reasonable and should be granted.
2. Since Applicant is now operating at a small operating profit, this order should become effective immediately.
3. Applicant should be authorized to publish the new fares and make them effective on less than 30 days' notice as permitted by Public Utilities Code Section 491.

4. The request for evidentiary hearings is denied.

**O R D E R**

**IT IS ORDERED** that:

1. The fare increase proposed in this application is granted.
2. To implement the increases authorized in this order Applicant shall, on or after the effective date of this order, file revised tariff sheets in accordance with General Order 117. The revised sheets and the fares listed in them shall be made effective no earlier than five days after the date of filing.
3. Applicant shall inform the public of the increased fares and their effective date by posting notice on its passenger vessels. Such notice shall be posted not later than the date the new fares take effect and shall remain posted for not less than 30 days.
4. This proceeding is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.